

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 15, 2010

- D056014 In re Eliza L. et al., Juveniles**
The orders are affirmed. Benke, J.; We Concur: McConnell, P.J., McDonald, J.
- D054147 Gomez et al. v. Autozone Stores, Inc., et al.**
The judgment and posttrial order are affirmed. Costs are awarded to AutoZone. Huffman, Acting P.J.; We Concur: Haller, J., McDonald, J.
- D055664 People v. Ray**
Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issues immediately. (Cal. Rules of Court, rule 8.316.)
- D055148 In re S.A., a Juvenile**
The order is affirmed. McConnell, P.J.; We Concur: Huffman, J., Irion, J.
CERTIFIED FOR PUBLICATION.
- D056929 People v. Bongato**
The notice of appeal and San Diego Superior Court file SCS197724 have been read and considered by Presiding Justice McConnell and Associate Justices McDonald and McIntyre. An order denying a defendant's post-judgment motion to modify the sentence after a negotiated plea agreement is not an appealable order. (See *People v. Segura* (2008) 44 Cal.4th 921, 928, fn. 4.) A probationer in constructive custody may petition for a writ of habeas corpus. (In re *Stier* (2007) 152 Cal.App.4th 63, 82.) The appeal filed on March 2, 2010, is dismissed.
- D053345 MHC Financing Limited Partnership Two v. City of Santee**
D054298 City of Santee v. MHC Financing Limited Partnership Two
We affirm the judgment in the MHC Action, and the City is awarded costs in that action. In the City of Santee Action, we reverse the summary adjudication in favor of the City on the fourth and fifth causes of action in its amended complaint. In all other respects the judgment is affirmed. In the City of Santee Action, each party is to bear its own costs. Irion, J; We Concur: Benke, Acting P.J., McIntyre, J.
- D056876 Pyle et al. v. Superior Court of San Diego County/Colucci**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 16, 2010

- D054968 Ledcor Builders, Inc. v. Janez Development, LLC.**
Judgment affirmed. Benke, Acting P.J.; We Concur: Nares, J., McIntyre, J.
- D055373 In re Damian J., a Juvenile**
The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., McDonald, J.
- D054947 People v. Garcia**
The judgment is affirmed.
Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.
- D055961 In re Milton R., a Juvenile**
The order is affirmed. McDonald, J.; We Concur: McConnell, P.J., Nares, J.
- D055058 People v. Koetter**
The judgment is affirmed. McConnell, P.J.; We Concur: Benke, J., Irion, J.
- D053727 People v. Lynch**
Lynch's conviction for attempted murder is affirmed. The judgment with respect to counts 2 through 6 is reversed, and the matter is remanded for a determination as to whether the prosecution of counts 2 through 6 was time-barred. Following such determination, the court shall reinstate the judgment of conviction as to each timely count. Aaron, J.; We Concur: McConnell, P.J., Nares, J. CERTIFIED FOR PARTIAL PUBLICATION.
- D055846 In re J.E., a Juvenile**
The judgment is affirmed. Nares, J.; We Concur: McConnell, P.J., Benke, J.
- D056066 In re A.J., a Juvenile**
The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Irion, J.
- D053006 People v. Washington**
Smith's conviction on count 2 is reversed. The trial court is directed to amend the abstract of judgment accordingly, and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment as to Smith is affirmed. The judgment as to Washington is affirmed in its entirety. The judgment as to Watkins is affirmed in its entirety.
Haller, J.; We Concur: McConnell, P.J., Aaron, J.
- D054137 People v. West**
The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., Haller, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 16, 2010 (Continued)

D054264 People v. McBride

The judgment of the trial court is affirmed.
Aaron, J.; We Concur: McDonald, Acting P.J., McIntyre, J.

D054883 In re Marriage of Rigsby

Appellant's petition for rehearing is denied.

D054002 Encarnacion v. Seaton

After discovering that the appellant had not been served with a copy of this court's September 3, 2009 opinion at his address of record, this court recalled the remittitur in the above-entitled case on March 5, 2010. The remittitur has now been received and the court hereby vacates the September 3, 2009, opinion. The opinion will be refiled on the date of this order. (See Cal. Rules of Court, rules 8.264, 8.268 and 8.500(e).)

D054002 Encarnacion v. Seaton

Order affirmed. Haller, J.; We Concur: McConnell, P.J., O'Rourke, J.

D055238 In re Z.L., a Juvenile

The orders are affirmed. Irion, J.; We Concur: Benke, Acting P.J., McIntyre, J.

D056849 Greenwood et al. v Superior Court of San Diego County/San Diego Gas & Electric Company

The petition for writ of mandate and request for stay have been read and considered by Justices Haller, McDonald and McIntyre. The petition is denied.

D056370 In re Braiden D. et al., Juveniles

The appeal is dismissed. Huffman, Acting P.J.; We Concur: Aaron, J., Irion, J.

D056342 In re Jamar A., a Juvenile

The appeal is dismissed. Nares, J.; We Concur: McConnell, P.J., Haller, J.

D056042 In re Gabriel W., a Juvenile

The appeal is dismissed. Irion, J.; We Concur: Haller, Acting P.J., McIntyre, J.

D056707 In re Gomez on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
February 17, 2010

Court Furlough Day

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 18, 2010

- D056783 People v. Mathis**
The petition is denied.
- D055558 People v. Edwards**
The judgment is affirmed. McIntyre, J.; We Concur: Benke, Acting P.J., Aaron, J.
- D056296 In re Marissa E., a Juvenile**
The appeal is dismissed. Benke, Acting P.J.; We Concur: Nares, J., McDonald, J.
- D054786 People v. Diaz**
The judgment is affirmed. Irion, J.; We Concur: Benke, Acting P.J., Aaron, J.
- D054288 Mummy v. Jacobson**
The judgment is affirmed. Respondent shall recover her costs on appeal.
Nares, Acting P.J.; We Concur: Aaron, J., Irion, J.
- D055455 In re Cecena on Habeas Corpus**
The relief sought in the petition for a writ of habeas corpus is denied.
Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.
- D056967 Porto Siena, LLC et al. v. Superior Court of San Diego County/Minshew
Brothers Steel Construction, Inc. et al.**
The petition is denied.
- D056918 In re Nelson on Habeas Corpus**
The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
March 19, 2010

- D056027 People v. Kover**
The judgment is affirmed.
McIntyre, J.; We Concur: Huffman, Acting P. J., Aaron, J.
- D053606 People v. Inn**
The judgment is affirmed.
O'Rourke, J; We Concur: Benke, Acting P.J., McDonald, J.
- D055086 People v. Fuller**
The judgment is affirmed. Haller, J.; We Concur: Nares, Acting P.J., McDonald, J.
- D056881 In re Marriage of Stephenson**
Because appellant did not timely pay the filing fee, the appeal is dismissed.
(Cal. Rules of Court, rule 8.100(c)(3).)
- D054671 People v. Nunez**
The judgment of conviction is affirmed.
Benke, Acting P.J.; We Concur: McIntyre, J.; Irion, J.
- D055010 Conservatorship of the Person of Marcia G.**
The appeal is dismissed as moot.
O'Rourke, J.; We Concur: Huffman, Acting P.J., Haller, J.
- D056728 People v. Rogers**
Because the denial of a motion to set aside a criminal information or complaint pursuant to Penal Code section 995 is not directly appealable and there is no final judgment of conviction (Pen. Code, 1237), the appeal in this case is dismissed.
- D056829 In re Rios on Habeas Corpus**
The petition is denied.
- D056875 San Diego Gas & Electric Company v. Superior Court of San Diego
County/Cahill**
The petition is denied.
- D056827 Rios v. Superior Court of San Diego County/Department of Corrections and
Rehabilitation et al.**
The petition is denied.
- D056989 In re Christian G. on Habeas Corpus**
The petition is denied.